

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

BB Liquidating, Inc.
f/k/a Blockbuster, Inc.

Chapter 7
Case No. 10-14997 (CGM)

Debtor.

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Lyme Regis Partners, LLC, a New York
Limited Liability Company,
Plaintiff,

Adv. Pro. No. 10-05524

v.

Carl Icahn, Icahn Partners LP, Icahn
Partners Master Fund LP, Icahn Partners
Master Fund II LP, Icahn Partners Master
Fund III LP, Icahn Capital LP, and Icahn
Associates Corp.

Defendants.

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**ORDER DENYING MOTION FOR SANCTIONS AND CLOSING ADVERSARY
PROCEEDING**

WHEREAS, on April 11, 2011, Defendants Carl Icahn, Icahn Partners LP, Icahn Partners
Master Fund LP, Icahn Partners Master Fund II LP, Icahn Partners Master Fund III LP, Icahn
Capital LP, and Icahn Associates Corp. (collectively, the “Icahn Entities”) moved for entry of an
order awarding sanctions pursuant to 28 U.S.C. § 1927 and Federal Rule of Bankruptcy
Procedure 9011 against Lyme Regis Partners, LLC (“Lyme Regis”), the McMillan Law Firm,
APC, and Scott McMillan (the “Motion”); and

WHEREAS, on May 16, 2011, Lyme Regis, the McMillan Law Firm, APC, and Scott
McMillan submitted opposition to the Motion (the “Objection”); and

WHEREAS, on May 25, 2011, the Icahn Entities replied to the Objection (the “Reply”); and

WHEREAS, on June 22, 2011, the Court, the Hon. Burton R. Lifland presiding, held a hearing on the Motion (the “Hearing”); and

WHEREAS, at the Hearing, Judge Lifland denied the Motion and expressly ordered the record, *see* Hr’g Tr. 20:18-23, (No. 10-05524), ECF No. 32;

NOW THEREFORE IT IS ORDERED that pursuant to the record of the hearing, the Motion is DENIED; and

IT IS FURTHER ORDERED that the Clerk of the Court is directed to close the above-captioned adversary proceeding.

Dated: Poughkeepsie, New York
February 24, 2014

/s/ Cecelia G. Morris
CECELIA G. MORRIS
CHIEF UNITED STATES BANKRUPTCY JUDGE